

REMARKS

Claims 1-19 are pending in the instant application. The Examiner has rejected claims 1-19 under 35 U.S.C. 102(e) as being allegedly anticipated by U.S. Patent Number 6,405,178 issued to Manchala et al. (hereinafter "Manchala"). Claims 1, 2, 6, and 7 have been amended. The Applicant respectfully submits that the instant application is in condition for allowance for at least the reasons presented herein. No new matter has been entered.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference."

Verdegaal Bros. V. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Moreover, "[t]he identical invention must be shown in as complete detail as is contained in the * * * claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

To anticipate a claim under 35 U.S.C. § 102, a single source must contain all of the elements of the claim. *Lewmar Marine Inc. v. Barient, Inc.*, 827 F.2d 744, 747, 3 U.S.P.Q.2d 1766, 1768 (Fed. Cir. 1987), *cert. denied*, 484 U.S. 1007 (1988). Moreover, the single source must disclose all of the claimed elements "arranged as in the claim." *Structural Rubber Prods. Co. v. Park Rubber Co.*, 749 F.2d 707, 716, 223 U.S.P.Q. 1264, 1271 (Fed. Cir. 1984).

The Applicant has amended claims 1, 2, 6, and 7 in response to the Examiner's statement on page 4 of the Office Action which states "the limitations, 'If said supplier availability status indicates adequate quantities...' and 'If said supply availability status indicates inadequate quantities...' are conditional limitations. These limitations and the method steps depend from them might or might not occur. Consequently, the 'If' limitations are given little patentable weight." The amendments of claims 1, 2, 6, and 7 serve to remove the conditional aspects of the claims' respective limitations. The Applicant further respectfully directs the Examiner's attention to claims 2 and 7 which maintain the conditional element "If"; however, these limitations provide for either or

both conditional events to occur (i.e., the occurrence of both 'adequate' and 'inadequate' quantities of the product).

The Applicant respectfully traverses the outstanding rejections of claims 1-19 and submits that claims 1-19 are patentable over Manchala. Specifically, Applicant's claim 1 recites: "A method for providing vendor-managed inventory services via a vendor managed inventory tool over a network environment, comprising:

receiving a signal from a sensor device indicating that a minimum level specified for a product used in a manufacturing location has been reached, said level measured by a quantity of said product;

in response to the receiving, querying a local inventory database at a buyer system for a supply availability status of said product; and

based upon the querying and upon a determination that the supply availability status indicates adequate quantities of said product exist at said buyer system:

generating a demand note for resupply of said product;

transmitting said demand note to local inventory;

delivering said product to said manufacturing location;

and updating said local inventory database to reflect said resupply."

Manchala does not teach or suggest each and every element of Applicant's claim 1. In particular, Manchala does not teach or suggest receiving a *signal from a sensor device* indicating that a minimum level specified for a product used in a *manufacturing location* has been reached but rather teaches a printer sending an event to a notification service that an item needs replacement (col. 4, lines 17-22). Unlike Manchala, Claim 1 recites a sensor device used in a manufacturing environment that receives signals indicating a minimum level for a product used in the manufacturing environment has been reached. Moreover, Manchala does not teach or suggest querying a local inventory database at a buyer system for a supply availability status of said product in response to receiving the signal. As indicated above, Manchala teaches a printer sending an event to a notification service that an item needs replacement. There is no teaching that a *database is queried for a supply availability status in response to the signal*. There is

further no teaching of a *buyer system database* that is queried for a supply availability status. Manchala recites only that upon receiving an order from the network application, the vendor verifies to see if the consumables are available (col. 4, lines 47-49). Additionally, Manchala does not provide a supply availability *status*, but rather only notifies the buyer in the event that the supply is *not available* (col. 4, lines 50-52).

Manchala further does not teach or suggest "based upon the querying and upon a determination that the supply availability status indicates *adequate quantities of said product exist at said buyer system*: generating a demand note for resupply of said product; transmitting said demand note to local inventory; delivering said product to said manufacturing location; and updating said local inventory database to reflect said resupply." Manchala recites a system in which vendors are notified only when a supply has reached a threshold and additional items are needed but does not provide for determining whether sufficient supplies are available at the buyer system and restocking the product accordingly. Thus, Manchala does not teach these limitations. The Applicant submits that claim 1 is patentable over Manchala for at least these reasons. Claim 6 recites a storage medium as claimed in Applicant's claim 1 and is patentable over Manchala for at least the reasons provided with respect to claim 1. Reconsideration of the rejections of claims 1 and 6 is respectfully requested.

The Applicant's claim 2 recites: "A method for providing vendor-managed inventory services via a vendor managed inventory tool over a network environment, comprising:

receiving a signal from a sensor device indicating that a minimum level specified for a product used in a manufacturing location has been reached, said level measured by a quantity of said product;

in response to the receiving, querying a local inventory database at a buyer system for a supply availability status of said product; and

based upon the querying and upon a determination that the supply availability status indicates inadequate quantities of said product exist at said buyer system:

generating a demand note for resupply of said product; transmitting said demand note to a vendor system;

performing at least one of:

checking local storage at said vendor system for said supply
availability status; and
checking local storage at a warehouse for said supply availability status; and
if said supply availability status indicates adequate quantities of said product exist at said
vendor system:
notifying said buyer system of said status;
delivering said product to said buyer system; executing correlated billing activities;
updating said local inventory database at said buyer system to
reflect said resupply; and
updating a vendor database at said vendor system;
if said supply availability status indicates inadequate quantities of said product exist at
said vendor system:
transmitting said demand note to a factory for manufacture of said product;
delivering said product to said buyer system from said manufacturer;
executing correlated billing activities;
updating said local inventory database at said buyer system to reflect said
resupply; and
updating said vendor database at said vendor system."

The Applicant traverses the rejection of claim 2 because Manchala does not teach or suggest each and every element of claim 2. As indicated above with respect to claim 1, Manchala does not teach or suggest receiving a signal from a sensor device indicating that a minimum level specified for a product used in a manufacturing location has been reached, said level measured by a quantity of said product; and in response to the receiving, querying a local inventory database at a buyer system for a supply availability status of said product. Moreover, Manchala does not

teach or suggest if said supply availability status indicates adequate quantities of said product exist at said vendor system, notifying said buyer system of said status. As indicated above with respect to claim 1, Manchala teaches notifying the buyer system only upon a determination that a product is not available.

Nor does Manchala teach or suggest updating said local inventory database at said buyer system to reflect said resupply, and updating a vendor database at said vendor system. As described above with respect to claim 1, Manchala does not recite updating a buyer system database or a vendor database to reflect resupply.

Further, Manchala does not teach or suggest "if said supply availability status indicates inadequate quantities of said product exist at said vendor system:

transmitting said demand note to a factory for manufacture of said product;

delivering said product to said buyer system from said manufacturer;

executing correlated billing activities;

updating said local inventory database at said buyer system to reflect said resupply; and

updating said vendor database at said vendor system."

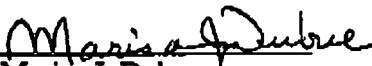
Manchala does not teach transmitting a demand note to a factory for manufacture of a product upon determining that adequate supplies are not available at a vendor, but rather teaches contacting a second vendor if insufficient supplies are available at the first vendor (col. 4, lines 50-52; lines 59-62). The factory manufacturing the product desired by the buyer is not equivalent to the vendor system that simply sells the product. A manufacturer that receives orders to 'produce' a product is not equivalent to a vendor that receives orders to 'deliver' a product. Manchala does not teach transmitting a demand note to a factory to manufacture a product when a vendor cannot fill an order as recited in Applicant's claim 2. Accordingly, the Applicant submits that claim 2 is patentable over Manchala. Claim 7 recites a storage medium for performing the method recited in claim 2. The Applicant submits that claim 7 is patentable over Manchala at least for the reasons provided above with respect to claim 2. Claims 3-5 depend from what is an allowable claim 2. Claims 8-10 depend from what is an allowable claim 7. At least for this reason, the Applicant submits that claims 3-5 and 8-10 are patentable over Manchala.

Reconsideration of the rejections of claims 2-5 and 7-10 is respectfully requested.

Claim 11 recites a system for providing vendor-managed inventory services via a vendor-managed inventory tool over a network environment. Claim 11 recites a network link to a manufacturing system and storage warehouse. As described above with respect to claims 2 and 7, Manchala does not recite this feature. For at least this reason, the Applicant submits that claim 11 is patentable over Manchala. Claims 12-19 depend from what is an allowable claim 11 and are thus patentable over Manchala for at least this reason. Reconsideration of the rejections of claims 11-19 is respectfully requested.

In view of the foregoing remarks, Applicant submits that this application is in condition for allowance. Early notification to this effect is requested. If there are any charges due in connection with this response, please charge them to Deposit Account 06-1130 maintained by Applicant's Attorney.

Respectfully submitted,

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